

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 95-CR-50061-01

vs.

HON. BERNARD A. FRIEDMAN

DION ERIC SAVAGE,

Defendant.

ORDER TRANSFERRING DEFENDANT'S
"MOTION PURSUANT TO FED. R. CIV. P. 54(b) . . ."
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Defendant has filed a "motion pursuant to Fed. R. Civ. P. 54(b) . . ." [docket entry 983]. This motion, in which defendant argues that the Court has failed to address his previously-raised argument that the indictment is flawed, challenges the legality of defendant's conviction. This motion therefore appears to be a second or successive 28 U.S.C. § 2255 motion, the first such motion having been filed on September 29, 2000 [docket entry 427]. A second or successive § 2255 motion "must be certified as provided in section 2244 by a panel of the appropriate court of appeals" Section 2255. When, as in this case, a second or successive § 2255 motion is filed without the required certification, the district court is required to transfer the motion to the court of appeals. *See In re Hanserd*, 123 F.3d 922, 934 (6th Cir. 1997). Accordingly,

IT IS ORDERED that defendant's "motion pursuant to Fed. R. Civ. P. 54(b) . . ." is hereby transferred to the United States Court of Appeals for the Sixth Circuit.

Dated: August 28, 2018
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 28, 2018.

s/Johnetta M. Curry-Williams

Case Manager